

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1, 22, 23, 25, 26, and 38-43 have been amended for clarity. The amendments are considered to be non-narrowing, and therefore, no estoppel should be deemed to attach thereto.

Claims 1 and 26 were rejected, under 35 USC § 101, for being directed toward non-statutory subject matter. Claims 1, 4-23, and 25-43 were rejected, under 35 USC §103(a), as being unpatentable over Freeny Jr. (US 6,970,850) in view of Kondo et al. (US 2004/0075749). The Applicants respectfully traverse these rejections based on the points set forth below.

With regard to the 35 USC 103(a) rejections, the Applicants note that the present application has a U.S. filing date of November 30, 2001, whereas Kondo has a publication date of April 22, 2004, and an effective U.S. filing date of October 27, 2003. Thus, Kondo does not have an effective date as a prior art reference against the present application. Since the Office Action acknowledges that Freeny does not, standing alone, render obvious the subject matter defined by independent claims 1 and 26 (see Office Action page 3, third paragraph, and page 7, second paragraph), allowance of these claims over the applied references is warranted. Claims 4-23, 25, and 27-43 depend from base claims 1 and 26 and are not rejected under 35 USC 101; therefore, allowance of these claims is considered to be warranted.

With regard to the 35 USC 101 rejections applied to claims 1 and 26, the Office Action proposes that these claims are non-statutory because they do not produce a useful, concrete, and tangible result (see Office Action section 1, last sentence). However, to the contrary, claim 1 defines an online transaction risk management system that sends an authorization request to a

customer if a characteristic of a financial transaction exceeds a preference identified within a customer account. The claimed subject matter is useful because it provides the specific (i.e., well-defined and particular), substantial (i.e., significant and presently available), and credible (i.e., operable) benefit of notifying a customer of an undesirable transaction within the customer's account (see MPEP § 2106(IV)(C)(2)(2)(a), first two sentences; § 2107.01(1)(A), first sentence; § 2107.01(I)(B), first two sentences); and § 2107.01(II), first paragraph). The claimed subject matter is concrete (i.e., repeatable) because the customer is notified of every transaction having a characteristic outside of the customer's prescribed preference (see MPEP § 2106(IV)(C)(2)(2)(c)). The claimed subject matter is tangible because it produces the practical and real-world effect of asking the customer to authorize a financial transaction that the customer has previously identified as being undesirable (see MPEP § 2106(IV)(C)(2)(2)(b)). Thus, the claimed subject matter is not a mere idea in the abstract, as proposed in the Office Action (see Office Action section 1, lines 7-9); instead, the claimed invention provides the well-defined, significant, real-world, repeatable, and practical benefit of informing a customer about, and requesting authorization for, a transaction within the customer's account that the customer previously identified as being undesirable.

Independent claim 26 defines a transaction risk management method that similarly provides the well-defined, significant, real-world, repeatable, and practical benefit achieved by the system defined by claim 1. Therefore, withdrawal of the 35 USC 101 rejections applied to claims 1 and 26 and allowance of these claims is considered to be warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: July 23, 2008
JEL/DWW/att

James E. Ledbetter
Registration No. 28,732

Attorney Docket No. L741.01110
Dickinson Wright, PLLC
1901 L Street, N.W., Suite 800
Washington, D.C.
20036-3506
Telephone: (202) 457-0160
Facsimile: (202) 659-1559